

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re: Bair Hugger Forced Air Warming      MDL No. 15-2666 (JNE/DTS)  
Devices Products Liability Litigation

This Document Relates to:  
ALL ACTIONS

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**DECLARATION OF JERRY W. BLACKWELL IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR RULE 11 SANCTIONS**

Jerry W. Blackwell, being first duly sworn, deposes, and declares:

I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys who represents 3M Company and Arizant Healthcare Inc. (together, "Defendants") in this litigation. I submit this declaration in opposition to Plaintiffs' Motion for Rule 11 Sanctions. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

1. Attached as Exhibit A are true and correct copies of correspondence from Monica L. Davies to MDL Counsel Genevieve Zimmerman, dated June 20, 2018, and email correspondence from Benjamin W. Hulse to Genevieve Zimmerman, Jan Conlin and Ben Gordon, dated October 5, 2018.

2. Attached as Exhibit B is a true and correct copy of an email exchange between counsel for Defendants and MDL Counsel Genevieve Zimmerman.

3. Attached as Exhibit C is a true and correct copy of the "Order Clarifying the Seal Requirement with Respect to This Court's Memorandum Opinion (Dkt. No. 193) And

Duty of Counsel to Meet and Confer” filed by the court in the *Walton* matter on November 20, 2015.

4. Attached as Exhibit D is a true and correct copy of “Plaintiff’s Motion to Compel” filed in the *Petitta* matter on May 9, 2019. **(FILED UNDER SEAL)**

5. Attached as Exhibit E is a true and correct copy of the “Order” order filed under seal by the court in the *Johnson* matter on November 12, 2015. **(FILED UNDER SEAL)**

6. Attached as Exhibit F is a true and correct copy of the transcript from the June 19, 2019 hearing held in the *Petitta* matter. **(FILED UNDER SEAL)**

7. Attached as Exhibit G is a true and correct copy of “Defendants 3M Company and Arizant Healthcare Inc.’s Responses and Objections to Plaintiff’s Second Set of Requests for Production” served in the *Petitta* matter on March 1, 2019.

Executed in Minneapolis, Minnesota, this 9th day of July, 2019.

s/Jerry W. Blackwell  
Jerry W. Blackwell